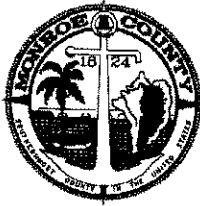


County of Monroe


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Board of County Commissioners
Mayor Dixie Spehar, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David Rice, District 4
Murray E. Nelson, District 5

MEMORANDUM

TO: Monroe County Planning Commission

FROM: Timothy J. McGarry, AICP
Director of Growth Management 

DATE: July 21, 2005

SUBJECT: **Proposed Development Agreement Between Monroe County
And Key Largo Ocean Resorts, Co-op, Inc.**

Meeting Date: July 27, 2005

Background on Agreement

The proposed development agreement results from a Settlement Agreement reached between Monroe County and Key Largo Ocean Resorts, Co-op, Inc. (KLOR) signed by both parties in June 2003, arising from court ordered mediation. This mediation arose from legal action brought by KLOR against the County seeking relief from the application requirements of the Recreational Vehicle District that were being enforced through code enforcement proceedings.

The first requirement of the Settlement Agreement has been met with the change in the Future Land Use and Land Use District designations to Residential High and Urban Residential Mobile Home. These designations went into effect earlier this year.

Purpose of the Agreement

The proposed Development Agreement is intended to provide the general framework for redevelopment of the 20.88-acre Key Largo Ocean Resorts project, located at approximately mile marker 95 of U.S. Highway 1 fronting on the Atlantic Ocean into a manufactured and modular home community. The project site contains: 284 or 285 lots; marina, tennis courts, swimming pool, recreation building, club house, boat trailer parking, 65 boat slips, and administrative offices for the resort. The agreement is intended to run for a period of seven years.

The Development Agreement is intended to: (1) provide a phased program of remedial permitting actions to bring structures/improvements into compliance with the Building Code and Land Development Regulations applicable to a manufactured and modular home community; (2) recognize the right for KLOR lot owners to temporarily retain pre-existing lawful uses or structures established prior to 1990; and (3) establish specific development and permit approvals required to bring the resort into compliance with Land Development Regulations and Fire Safety Codes.

Issues Remaining to be Resolved

The applicant and County staff were able to reach agreement on all of the significant issues in preparing the draft document except for the following: (1) the total number of units recognized in the project; and (2) the implementation schedule for bringing into compliance individual lots.

Significant Elements of the Agreement

The significant elements of the Development Agreement are found under II, F (Local Development Permits). 4, and IV, (Additional Provisions).

II [Local Development Permits], F 4 (page 7).

The Development Agreement requires that KLOR submit a complete Site Redevelopment Plan application package to the County for redevelopment of the resort into a manufactured and modular home development that is compliant with County regulations. This plan must be submitted to the County within 120 days from the effective date of the Agreement and shall be noticed and reviewed pursuant to the process for major conditional use.

IV [Additional Provisions](pages 10-14).

In A., Permits (page 10), KLOR, its lessees, or cooperative owners are required to apply for all building or demolition permits required to replace all existing manufactured homes or RVs with compliant manufactured or modular homes in accordance with schedule in the Site Redevelopment Plan. The Development Agreement establishes an overall time frame for filing these permit applications, annual goals for numbers of lots to be brought into compliance, and a deadline for lots to be in compliance. As these aspects have not been agreed to between the applicant and staff, blank spaces have been left in the agreement.

Permits required for roads, fire suppression, stormwater, landscaping, utility relocations, and other community facilities or improvements must be applied for by KLOR with one year of the effective date pursuant to the approved Site Redevelopment Plan.

In B., Vesting and Compliance Policies (page 11) lists the overall policies and standards to be followed in preparing the compliance implementation schedule and actions for each lot in the Site Redevelopment Plan. Except where after-the-fact permits may be issued all other improvements will need to be removed, except for driveways and other surface improvements authorized under

the Site Redevelopment Plan. [Note: Exhibit B is intended for informational purposes only, as the applicant has substantially revised the initial development agreement over the last two weeks to require the replacement of all non-compliant RV's, park models, or manufactured homes with a compliant modular or manufactured homes at the proper base flood elevation. No permanent grandfathering of any existing structures, RVs, or manufactured homes is being requested in the final draft agreement by the applicant.]

For a period of three (3) years from the effective date of the approval of the Site Redevelopment Plan, lot owners, who must remove their non-compliant RV or manufactured home, may temporarily place road ready RVs on their lots to allow an easier transition period for many owners who may be financially unable install new manufactured or modular homes.

Under IV, B 5, and IV C. (page 12), lot owners will be required to pay delinquent license taxes and impact fees for either a manufactured or modular home. These payments must be made prior to issuance of permits.

Under D (pages 12 – 13), KLOR will be required to record a restrictive covenant on the property to limit the number of units based on the approved Site Redevelopment Plan. Any units that are lost due to redevelopment may only be transferred off-site as affordable housing. Additionally, the applicant is requesting that the Board of County Commissioners be given the right to review and amend the Site Redevelopment Plan.

Staff Comments and Specific Recommended Revisions

The following are the staff's comments and recommended revisions to the draft Development Agreement:

1. Second whereas, page 1 and throughout text: The applicant has not adequately shown that 285 lots exist. The staff was unable to find Lot 285 and the Property Appraiser's records in 1997 indicated only 284 RV lots in the development. The provided survey does not show any lot 285.

Recommendation: *Unless the applicant is able to document the location of all 285 lots, the Development Agreement should be revised to reflect only 284 lots.*

2. III, Compliance A, Permits, page 10: The applicant has proposed that all existing RVs and manufactured homes will be replaced within seven (7) years from the effective date of the Redevelopment Plan. The staff is concerned that this time frame is too long as the code violations have been going on in some instances for 11 years or more. The seven (7) year time frame will go beyond the seven year duration of the Development Agreement itself. Additionally, no specific interim goals are set for the number of lots coming into compliance. Therefore, the County has no guarantees on any lots coming into compliance until the very end of the seven year period.

Recommendation: *The sentence describing the compliance schedule for submitting permit applications and bringing the lots into compliance in the second sentence of A. Permits on page 10 should be completed as follows: (1) all permit applications shall be applied for within four (4) years of the effective date of the Site Redevelopment Plan; (2) at a minimum, 60 lots in each calendar year shall be brought into full compliance with Chapter 6.0 and Chapter 9.5, Monroe County Code and this Development Agreement until all the structures and improvements on the lots are in full compliance; and, (3) all 285 lots shall be in full compliance with Chapter 6.0 and Chapter 9.5, Monroe County Code and this Development Agreement by no later than five (5) years from the effective date of the Site Redevelopment Plan.*

Staff Recommendation on Agreement

The Growth Management Division recommends APPROVAL of the Development Agreement contingent upon incorporation of the revisions identified above.